IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1162 of 2007()

CMP.463/2007 of J.M.F.C.,ERATTUPETTA

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PETITIONER/ACCUSED.

M.T.BABU, S/O.THANKAPPAN,
MANATHANATHU HOUSE, KAIPPALLY P.O.,
POONJAR THEKKEKARA VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.N.SASIDHARAN
SRI.C.A.ANUPAMAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
ERATTUPETTA, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1162 OF 2007

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DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.1/07 of Excise Range, Erattupetta for offences punishable under sections 8(1), 8(2) and 55 (g) of the Abkari Act for allegedly having been found in possession of 750 ml of arrack and 55 litres of wash on 12.1.2007 and who was arrested on 12.1.2007, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in C.R.No.11/03 of the very same Excise Office for allegedly having been found in possession of three litres of arrack on 13.8.2003.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-